

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

STEVEN D. WARNER,

Plaintiff,

Case No. 3:24-cv-287

vs.

A.P.A. OFFICER ASHLEY HENSCHEN,
et al.,

District Judge Michael J. Newman
Magistrate Judge Chelsey M. Vascura

Defendants.

**ORDER: (1) ADOPTING THE MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION (Doc. No. 9); (2) DISMISSING WITH PREJUDICE PLAINTIFF’S
FEDERAL CLAIMS; (3) DISMISSING WITHOUT PREJUDICE PLAINTIFF’S STATE-
LAW CLAIMS; AND (4) TERMINATING THIS CASE
ON THE DOCKET**

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Chelsey M. Vascura (Doc. No. 9), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing objections under Fed. R. Civ. P. 72(b) has expired, it is hereby **ORDERED** that: (1) the Report and Recommendation (Doc. No. 9) is **ADOPTED**; (2) Plaintiff’s¹ federal claims, brought under 42 U.S.C. § 1983, are **DISMISSED WITH PREJUDICE**; and (3) Plaintiff’s state-law claims are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c)(3).

¹ Plaintiff’s proceeds *pro se* in this case and, consequently, his factual allegations are accepted as true and his complaint is liberally construed in his favor. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976)

The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith and, consequently, **DENIES** Plaintiff leave to appeal this Order *in forma pauperis*.

IT IS SO ORDERED.

December 20, 2024

s/Michael J. Newman

Hon. Michael J. Newman
United States District Judge